

I have been a broadcaster for over 35 years, first in radio then, for the better part of the last 22 years, in television.

There are two, distinctly different broadcast environments in this country. One is the high-profile, large market, legacy network affiliate. They make a lot of money, have huge audiences and enjoy great status and impact in large metropolitan areas they serve. The other environment is the small market, second-tier television stations that struggle for existence.

I would like to speak from the point of view of someone who has decades of experience operating second tier television stations.

Small market television is very hard. It's even harder if you are a CW or MyNetwork TV affiliate. I run a CW station that has a JSA to run a My Network affiliate. We are losing money even with the efficiencies of one staff and one facility. Our network programming does not provide sufficient tune-in to generate ratings to get us on the buys at large agencies. The transition to DTV has been an enormous financial burden on us, both in the cost of building out the digital transmission plants as well as the on-going operational costs of running four transmitters; two of which, the analog boxes, are gigantic power-hogs that cost a fortune to operate. My partner and I started one of the stations and had to sell out to a small group owner after trying, for 10 years, to grow a successful business. The small group owner ended up going bankrupt and a new company recently purchased one of the stations and signed JSA with the new owner of the second station.

Not only do our weak networks negatively impact our programming, the syndicated programs we have to have are equally unsuccessful. With the increased number of stations in our market (22 years ago there were three local stations, now there are six) the cost of acquiring programming has soared.

Our focus is local programming. But it is not without problems. In the early 90's we initiated a local newscast. It was expensive to create and even more expensive to run. It lost money for the bulk of the ten years we ran it. In 2002, after 10 years, we stopped originating our news and have been purchasing a nightly newscast from our NBC competitor. It is cheaper and better than what we were doing.

For the last five years our stations, in conjunction with locally-owned businesses, have been creating local programs that are both entertaining and informative. These 30-minute programs take viewers on tours of interesting local places and interviewing the business owners, their customers and local dignitaries. From "destination" shows that offer suggestion on interesting places to visit, to "energy make-over" shows that, in conjunction with the state's Public Utilities Commissions, offers suggestions on how homeowners can reduce their energy costs and improve their carbon footprints, our stations air 2-3 hours each day of

these local programs. We have shows that review local restaurants, game shows for junior high school students that are designed to encourage college attendance (and for which a \$10,000 college scholarship was awarded). We have created and run shows about career opportunities at local businesses where we have taken viewers on a tour and introduced potential careers.

In addition, we create and broadcast a weekly high school sports program, the only 30-minute high school show in Maine. Each week we highlight a school of the week, an athlete of the week, training and fitness tips and feature extensive coverage of high school sports. We are particularly proud of the fact that this show, The Rundown, puts female sports as well as non-traditional sports (swimming, cross-country skiing, golf, etc.).

With the help of a local non-profit, we offer a high school "game of the week" each Saturday night in prime time. We have not made a penny from these broadcasts but are supporting the schools in the area by broadcasting these games.

The same non-profit works with us on a weekly show about politics, hosted by college students and talking to young adults. Youth In Politics is a well-done program that is 100% local in content.

Our MyTunes program is a weekly show highlighting music videos featuring local musicians. We encourage bands to submit their tapes and give them free airtime to encourage and support the local music scene. This spring we will be starting a similar program for local film/video producers that will broadcast their productions.

Like every other TV station, we run public service announcements. Unlike every other TV station, we are constantly seeking local programming that appeals to our younger viewers. This eclectic mix of programming is unlike traditional television fare and is certainly not what you would find on the stations owned or operated by national-level media companies.

My point is that small market, second-tier network affiliate television stations will not survive if the localism requirements contemplated in NPRM 04-233 are realized. It would take 1-2 additional, full-time employees to be able to collect the information required. It would take 2-3 additional staffers to provide additional local programming that is described on Form 355. The alternative would be to drop all the other local programming to create the programming contemplated by the FCC.

Many of the items being contemplated in the NPRM on localism will create huge costs for us. Collectively they would probably force the ownership of these two stations to give up the operations and lease or otherwise merge the stations with other broadcast companies in town.

Ironically, the desire for increased localism would probably have the net effect of removing two independent television voices from the community and placing them in the hands of the legacy, large, national media companies that increasingly dominate broadcasting in America.

That would be particularly unfortunate given the amount of local programming we create and broadcast every week.

But the biggest issue for us would be the main studio in the city of license suggestion. We currently operate two stations from one facility in Portland. That's fine for one station, but the second station is licensed to a community 30+ miles north of Portland. If we had to have the main studio in that station's city of license (Lewiston, ME), we would have additional real estate and equipment costs. Then we would have a significant problem getting our signal from the Lewiston facility to the transmitter. We are not licensed for a microwave shot from Lewiston to the transmitter and there are no available frequencies. The costs of setting up a new operation would be in the hundreds of thousands of dollars and the cost of operating, if fiber was needed for STL purposes, would be thousands of dollars each month. The Lewiston station was expressly built to operate under the same roof as the Portland station. The facilities were designed and built for that purpose. To change that now would require us to build an entire television station in Lewiston. That would cost over a million dollars!

Finally, when it comes to the possibility of a community advisory board I am unsure what its specific role would be. Would we be expected to program our station according to the dictates of this board? What power and authority would it have? What criteria would be used to select its members?

I respectfully suggest that NPRM 04-233 would be a fatal blow to small market, second tier, TV stations. Many of us are already losing money and cannot afford the burdens contemplated here. For us to survive and to be able to continue to offer independent voices we need to reduce regulations and reporting, not increase them.